

## SELF SERVICE CENTER

### INSTRUCTIONS: HOW TO FILL OUT THE STIPULATION (AGREEMENT) TO FILE A CONSENT DECREE FOR A NON-COVENANT MARRIAGE

Use these instructions **ONLY** if you and the other party do not have a “covenant” marriage, you have agreed to a divorce settlement or legal separation, **AND** you have agreed to file and sign a Consent Decree.

Arizona laws regarding “covenant” marriages went into effect August 21, 1998. See ARS §25-901. If you have a covenant marriage you and your spouse were asked to sign an affidavit that included a statement similar to this: “We solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for as long as they both live. We have chosen each other carefully. We understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling. We declare that our marriage will be bound by Arizona law on covenant marriages and we promise to love, honor and care for one another as husband and wife for the rest of our lives.” **This paperwork will NOT work if you have a covenant marriage.** If you have questions about whether you have a covenant marriage see a lawyer for help and/or check your marriage license.

### INSTRUCTIONS FOR FILLING OUT THE STIPULATION (AGREEMENT):

The section number in front of each paragraph below is the same as the section number on the Stipulation (Agreement). For example: Read section (A) below. Then, turn to section (A) on the Stipulation (Agreement). The section letter can be found at the end of each paragraph. Each section below will help you fill out each section of the Stipulation (Agreement).

**SECTION:** Type or write in black ink only.

- (A) **INFORMATION ABOUT THE PETITIONER:** Write in the Petitioner’s name, current address, city, state, zip code, and telephone number. If you have an ATLAS number, write in the number. (The person who filed the Petition for divorce or legal separation is the Petitioner.) If a lawyer represents the Petitioner, write in the Petitioner’s lawyer’s name, bar number, address, city, state, zip code, and telephone number instead of the Petitioner’s name and so forth. Check the box to tell the court whether you are representing yourself or a lawyer represents you.
- (B) **INFORMATION ABOUT THE RESPONDENT:** Write in the Respondent’s name, current address, city, state, zip code, and telephone number. (The person who was served with the divorce or legal separation papers is the Respondent.) If a lawyer represents the Respondent, write in the Respondent’s lawyer’s name, bar number, address, city, state, zip code, and telephone number instead of the Respondent’s name and so forth. Check the box to tell the court whether the Respondent is representing himself/herself or is represented by a lawyer.
- (C) **NAMES:** Write in the Name of the Petitioner and the Respondent in the space provided.
- (D) **CASE NUMBER.** Write in your court case number.

**WARNING.** Each spouse must put his or her initials in the space provided for every statement that is true. If any statement is **NOT** true, you **CANNOT** file this document or get a Consent Decree of Divorce or Legal Separation. You must follow other trial preparation procedures. You must also read and initial each statement under oath. This means you must tell the truth. If you do not understand any of the statements or need help with other trial procedures, you should see a lawyer for help before signing this paper.

If you choose to use this procedure to get a divorce or legal separation and the statement is true, Petitioner should put his or her initials in the space provided, and Respondent should put his or her initials in the space provided. If the statement does not apply to your case, write "N/A" for not applicable in the space for your initials. Each space must have your initials **or** the letters "N/A" written in.

- (E) **AGREE AND UNDERSTAND.** This section tells the judge or commissioner:
1. That both spouses have read the Stipulation (Agreement) and the Consent Decree, **AND**
  2. That both spouses understand and agree with the Stipulation (Agreement) and the Consent Decree, **AND**
  3. That both spouses want the judge or commissioner to sign the Consent Decree and divorce or legally separate the parties.
  4. Make sure that there are no blanks, except for the date and signature line for the judge/commissioner to sign. If the statement does not apply to your case, write in "N/A"
- (F) **TIME FRAME.** Write in the day the Respondent was served with the court papers. If you filed a **"Petition for Dissolution of Marriage (Divorce)"**, do **not** submit the Stipulation and Decree to the court for signature until at least 64 days have passed since the date the Respondent was served with the divorce papers by a process server, the deputy sheriff, or signed the **"Acceptance of Service" or "Waiver of Service."** The 64-day period is a legal requirement. You can do nothing to shorten the 64-day period.
- (G) **NON-COVENANT MARRIAGE.** This paperwork will only work if you do not have a covenant marriage. This statement must be true. If you have questions about whether you have a covenant marriage see a lawyer for help and/or review your marriage license.
- (H) **PAYMENT OF COURT FEES.** This section tells the judge or commissioner that both spouses have either paid the court fees or have received an initial deferral of the court fees. You must provide either a copy of the receipt showing that you paid the court fees or you must submit a copy of the Order Deferring your court fees. Both spouses must do this.
- (I) **SELF-ADHESIVE, REMOVABLE TABS OR MARKERS.** This section tells the court that you have put self-adhesive, removable tabs or markers on the pages(s) of the original and two (2) copies of the Decree where the judge or commissioner dates and signs the Decree. If your case involves child support and/or spousal maintenance, and you have attached a **"Wage Assignment Order" or "Order of Assignment,"** you must also put a self-adhesive, removable tab or marker on the original and 2 copies of the wage assignment order where the judge/ commissioner dates and signs the order. Make sure you use easily removable tabs. **Do not use paper-clips or tape.)**
- (J) **ORIGINAL DOCUMENTS AND COPIES.** Make sure you give the judge/commissioner the documents requested. Check each box to show that you are giving the judge/commissioner the documents.
- (K) **APPEARANCE BY RESPONDENT.** This section tells the judge/commissioner that by signing the Stipulation (Agreement), the Respondent has appeared in this case and is submitting to the jurisdiction of the court.
- (L) **RIGHT TO TRIAL IS WAIVED.** This section tells the judge/commissioner that both spouses do not want a trial and are waiving any right they may have to a trial.
- (M) **NO DURESS OR COERCION. COMPLETE AGREEMENT.** This section tells the judge/commissioner that both spouses want to sign this Stipulation (Agreement) and that no one is making them sign this paper. It also tells the judge/commissioner that your agreement is contained in the Stipulation (Agreement), Consent Decree, and any attachments and that you have not made any agreement that is not contained in these documents.
- (N) **LEGAL ADVICE.** This section tells the judge/commissioner that both spouses understand that they have a right to have or get legal advice and to have a lawyer. The Self-Service Center has a list of lawyers that will help people on a task-by-task basis. If you choose a lawyer from the list, the lawyer will discuss with you the fee arrangement.

- (O) JUDICIAL DISCRETION.** This section tells the judge/commissioner that both spouses understand that the judge/commissioner will review the court papers and can decide whether to sign the documents.
- (P) IRRETRIEVABLY BROKEN MARRIAGE.** This section tells the judge/commissioner that both spouses agree that the marriage is over or that the parties desire to live separate and apart if this is a legal separation case.
- (Q) DIVISION OF PROPERTY.** This section tells the judge/commissioner that both spouses agree with the division of the property and the debts and that both spouses think the division is fair. It also tells the court that you agree that all right, title and interest to the property has been transferred/turned over to the other party. If this is not the case, list the items that have not been transferred/turned over and write in the date that those items will be turned over to the other party.  
**NOTICE. Statement R, S, T, and U only apply to a divorce with children or a legal separation with children. If you filed for a divorce with children or legal separation with children, you must initial Statements R, S, T and U if they are true statements. If you filed for a divorce without children or legal separation without children, skip to Section V.**
- (R) CUSTODY, PARENTING TIME AND CHILD SUPPORT.** Initial the paragraphs and then check one box only. This section tells the judge/commissioner that both spouses believe that the custody, parenting time and child support arrangements are in the best interest of your children. This section tells the judge/commissioner that you have asked to deviate from the child support guidelines. **If you ask the judge/commissioner to deviate from the child support guidelines, you must tell the judge/commissioner why.**
- (S) DOMESTIC VIOLENCE.** This section only applies if you are asking for joint custody of the minor child(ren). If you are not asking for joint custody, write in N/A. If you are asking for joint custody check box A or box B. If you checked box B, explain why joint custody is in the best interest of the minor child(ren) even though domestic violence has occurred.
- (T) PARENT INFORMATION PROGRAM.** This section tells the judge/commissioner that both spouses have completed or will have completed the Parent Information Program class before filing the Consent Decree. This requirement only concerns parents who filed for divorce or legal separation on or after January 1, 1997, or whom a judge/commissioner has ordered to take the class. Remember to attach a copy of both Certificates to the Stipulation.  
  
In rare instances, the Respondent may not be able to attend the class or refuses to attend the class. If the Respondent will not or has not completed the class, tell the judge why the Respondent will not or has not completed the class in the space provided. Remember that the judge can still require that both parties attend the class before the judge will sign the decree. You should also know that any party who refuses to attend the class, will be denied the right to seek modification and/or enforcement of the decree/judgement/order until completion of the class.
- (U) CHILDREN.** This section tells the judge/commissioner that you have attached the documents regarding the child(ren) that the judge/commissioner needs to sign your divorce or legal separation decree. Don't forget to do this.
- (V) SIGNATURE OF PETITIONER/SIGNATURE OF RESPONDENT.** This section tells the judge/commissioner that the Stipulation (Agreement) is true and correct to the best of your knowledge and information. Both parties must sign the Stipulation (Agreement) in front of a Notary Public. (The Notary Public will need a picture identification from you to notarize your signature.)
- (W) SIGNATURE OF EACH LAWYER.** If a lawyer represents either spouse, the lawyer must also sign the document.